

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

GORDON OLSWING, Administrator)	
Ad Litem of the Estate of Joe)	
William Ford, Jr.,)	
)	
Plaintiff,)	
)	
v.)	No. 05-2017
)	
CITY OF MEMPHIS, et al.,)	
)	
Defendants.)	

ORDER

On March 14, 2008, Defendants City of Memphis, Kent Workman, and Marvin A. Richardson filed motions for summary judgment. The motions were accompanied by individually numbered statements of material fact and the facts alleged were supported by reference to sworn affidavits and depositions in the record before the court.

Plaintiff responded in opposition on June 25, 2008. The response fails to comply with Local Rule 7.2(d)(3), which requires that a party opposing summary judgment "shall respond to the proponent's numbered designations, using the corresponding serial numbering, both in the response and by attaching to the response the precise portion of the record

relied upon to evidence the opponent's contention that the proponent's designated material facts are at issue."

Plaintiff does not respond to each individual statement of material fact using Defendants' numbered designations and does not cite any evidence in the record to support his contention that certain material facts are in dispute. Plaintiff makes frequent reference to the testimony Louis McClintock will offer at trial and a video tape of the incident in question. Neither is in the record before the court.

Failure to produce evidence rebutting Defendants' well-supported argument that there are no genuine issues of material fact for trial is fatal to Plaintiff's case. See Emmons v. McLaughlin, 874 F.2d 351, 353 (6th Cir. 1989). Plaintiff is hereby ordered to enter any and all evidence on which he relies in opposing Defendants' motions within eleven (11) days of the entry of this order.

So ordered this 30th day of July, 2008.

s/ Samuel H. Mays, Jr.
SAMUEL H. MAYS, JR.
UNITED STATES DISTRICT JUDGE